

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Sep 21, 2021**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DONOVAN G.,

No. 2:20-CV-0389-JTR

v.

ORDER GRANTING STIPULATED  
MOTION FOR REMAND  
PURSUANT TO SENTENCE FOUR  
OF 42 U.S.C. § 405(g)

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,<sup>1</sup>

Defendant.

**BEFORE THE COURT** is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 24. Attorney Bryant A. Sutton represents Plaintiff; Special Assistant United States Attorney David J. Burdett represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 9. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 24**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g).

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<sup>1</sup>Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

ORDER GRANTING STIPULATED MOTION FOR REMAND - 1

1 On remand, the Appeals Council will direct the Administrative Law Judge  
2 (ALJ) to do the following: (1) reevaluate the opinions by Dr. Varga and  
3 Plaintiff's educational records; (2) reconsider Plaintiff's subjective testimony;  
4 (3) reconsider whether Plaintiff met or equaled Listing 11.18 prior to his date last  
5 insured; and (4) further develop the record, continue the sequential evaluation  
6 process, and issue a new decision.

7 2. **Judgment shall be entered for PLAINTIFF.**

8 3. Plaintiff's Motion for Summary Judgment, **ECF No. 21**, is  
9 **STRICKEN AS MOOT.**

10 4. An application for attorney fees and costs may be filed by separate  
11 motion.

12 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
13 Order, forward copies to counsel, and **CLOSE THE FILE.**

14 DATED September 21, 2021.



A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE